

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL NO. 05-11686WGY

WASHINGTON MUTUALBANK,
Plaintiff

v.

DAN W. ADAMS, HEIDI K. ADAMS,
UNITED STATES OF AMERICA,
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE,
DELTA FUNDING CORPORATION and
BENEFICIAL MASSACHUSETTS INC.,
Defendants

COMMONWEALTH'S ASSENTED-TO MOTION FOR EXTENSION OF TIME
TO RESPOND OR OTHERWISE PLEAD TO SERVICE OF SUMMONS AND
COMPLAINT

Pursuant to Fed. R. Civ. P. Rule 6 (b), and with the assent of the plaintiff Washington Mutual Bank, the defendant Commonwealth of Massachusetts Commissioner of Revenue ("Commonwealth") respectfully moves for enlargement of time to respond or otherwise plead to the service of the Summons and Complaint in the above-captioned action which were served upon the Commissioner of Revenue on August 24, 2005. The Commonwealth requests, and the plaintiff assents, to an enlargement through and including Friday, September 30, 2005. As grounds for this Motion, the Commonwealth asserts:

1. The Counsel who will be representing the Commonwealth in this action, Eileen Ryan McAuliffe, has been out of the office since Monday, August 22, 2005 and returned on Friday, September 9, 2005. Counsel was not aware of this action at the time of her departure because it was not served on the Massachusetts Department of Revenue until August 24th and she will need the seventeen days between

September 13 and September 30 to prepare a response or other pleading given the nature of this matter as well as the other matters awaiting her upon her return.

2. Attorney J. Patrick Kennedy, counsel for the plaintiff, has courteously agreed to the requested enlargement of time in a conversation between him and counsel for the Commonwealth on September 12, 2005.

For the foregoing reasons, the Commonwealth respectfully requests that the Court allow the Commonwealth's Assented-To Motion for Enlargement of Time To Respond Or Otherwise Plead To The Summons and Complaint.

Respectfully submitted,

**ALAN LEBOVIDGE
COMMISSIONER OF REVENUE**

**By his attorneys,
THOMAS F. O'REILLY
MASSACHUSETTS ATTORNEY GENERAL
/s/ Eileen Ryan McAuliffe
KEVIN W. BROWN, GENERAL COUNSEL
EILEEN RYAN MCAULIFFE, BBO NO. 435260
Department of Revenue Litigation Bureau
100 Cambridge Street, P.O. Box 9565
Boston, Massachusetts 02114-9565
(617) 626-3217**

Dated: September 13, 2005

CERTIFICATE OF SERVICE

I, Eileen Ryan McAuliffe, hereby certify that I have served the within Commonwealth's Assented-To Motion for Extension of Time To Respond Or Otherwise Plead To Service Of Summons and Complaint by mailing a copy first class mail, postage prepaid, to:

.
J. Patrick Kennedy, Esq.
Donn A. Randall, Esq.
Mary Ellen Manganelli, Esq.
Bulkley, Richardson & Gelinas, LLP
One Post Office Square, Suite 3700
Boston, Massachusetts 02109

/s/ Eileen Ryan McAuliffe
Eileen Ryan McAuliffe

Date: September 13, 2005

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